

Cape Cod Bay: DRAFT table 1 of 2 May 19, 2000

POTENTIAL MANAGEMENT OPTIONS	LEGAL AUTHORITIES	INFORMATION NEEDS and /or INFORMATION AVAILABLE	R & D: ONGOING and R&D NEEDED	LIMITATIONS and CONSIDERATIONS				TIME-FRAME
				ECONOMIC IMPACTS ON SHIPPING INDUSTRY & PORT COMMUNITY	ENVIRONMENTAL IMPACTS	POTENTIAL BENEFITS to RIGHT WHALES	IMPLEMENTATION and OPERATING COSTS	
Pre-designate a regulated navigation areas within the Cape Cod Bay and the critical habitat: all vessels to travel at "slow safe speed;" AND require that vessels route around critical habitat; AND for all vessels within all of Cape Cod Bay require that engines be ready for maneuvering.	The Coast Guard has already established a regulated navigation are which prohibits tank vessels from operating in the right whale critical habitat This regulation could be amended or a new rule under the same authority promulgated. (the Ports and Waterways Safety Act & 33 CFR parts 160).	Cape Cod Bay is well surveyed by the State of Massachusetts and the Center for Coastal Studies. It appears that few animals stray west of the critical habitat boundary when they are in the Bay although there have been a small number of times when they have been sighted in or at the entrances to the Cape Cod Canal.	Occasional occurrence of right whales on the western side and the high volume of vessel traffic may be sufficient for an acoustics detection system in port approaches. Additional information is needed on right whale/vessel interactions as a function of speed, vessel type and in depth restricted waters (e.g. the shipping lanes on the western side of the Bay. Computer simulation models are being developed.	An economist specializing in inter-modal transportation can develop a per-ship estimate of the costs of diversions other restrictions for vessels unable to or delayed in transiting the Cape Cod Canal. Potential economic impacts include: (to be developed)	An environmental assessment should be conducted as part of the rulemaking process.	Prohibiting traffic and/or restricting vessel operations within the critical habitat will reduce the risk of collision. Slowing vessels may allow sufficient time for both a whale and ship to avoid a strike Increasing the vessels' ability to maneuver will reduce the risk of collision	Implementation would follow the ordinary rulemaking process. Designation of the regulated navigation area(s) would require charting and notification in Coast Pilot and other nautical publications. This could be self-enforcing, and can be checked by the Coast Guard during their routine port state control boardings.	NMFS can work with the Coast Guard to establish the regulated navigation area within 18 months. Economic and environmental impacts must be assessed as part of the initial rulemaking process. NMFS could initiate discussions with the Coast Guard immediately to establish criteria for an emergency rule to restrict vessel operations. This should be coordinated with the Corps of Engineers, the Commonwealth and others.

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POTENTIAL MANAGEMENT OPTIONS	LEGAL AUTHORITIES	INFORMATION NEEDS and /or INFORMATION AVAILABLE	R & D: ONGOING and R&D NEEDED	LIMITATIONS and CONSIDERATIONS				TIME-FRAME
				ECONOMIC IMPACTS ON SHIPPING INDUSTRY & PORT COMMUNITY	ENVIRONMENTAL IMPACTS	POTENTIAL BENEFITS to RIGHT WHALES	IMPLEMENTATION and OPERATING COSTS	
Develop an emergency rulemaking process to impose restrictions on vessels in the western side of Cape Cod Bay in the event that right whales are sighted outside of the critical habitat.	NMFS should seek agreement with Coast Guard to issue an emergency rule under Coast Guard authority: the Ports and Waterways Safety Act & 33 CFR parts 160. (Exercise of state law would conflict with interstate commerce.)	It appears that few animals stray west of the critical habitat boundary when they are in the Bay although there have been a small number of times when they have been sighted in or at the entrances to the Cape Cod Canal.	Occasional occurrence of right whales on the western side and the high volume of vessel traffic may be sufficient for an acoustics detection system in port approaches. Additional information is needed on right whale/vessel interactions as a function of speed, vessel type and in depth restricted waters (e.g. the shipping lanes on the western side of the Bay. Computer simulation models are being developed.	An economist specializing in inter-modal transportation can develop a per-ship estimate of the costs of operational restrictions diversions and / or delays. The gross impact for each New England and mid-Atlantic port and an expected impact on a vessel could then be developed. Potential economic impacts include: (to be developed) ((to be developed)) .	An environmental assessment should be conducted as part of the rulemaking process.	Restricting vessel operations when whales are found in the shipping lanes on the western side of the Bay will reduce the risk of collision. Slowing vessels may allow sufficient time for both a whale and ship to avoid a strike Increasing the vessels' ability to maneuver will reduce the risk of collision	To issue an emergency rule, a consultative process with industry, scientists, state agencies and conservation groups should be established.	NMFS could initiate discussions with the Coast Guard immediately to establish criteria for an emergency rule to restrict vessel operations. This should be coordinated with the Corps of Engineers, the Commonwealth and others.